



IN REPLY TO:

MTM 91041

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Montana State Office
5001 Southgate Drive
P.O. Box 36800
Billings, Montana 59107-6800
<http://www.mt.blm.gov/>

Notice of Competitive Lease Sale Oil and Gas

September 25, 2001

The Montana State Office is holding a competitive oral sale of Federal lands in the States of Montana, North Dakota and South Dakota for oil and gas leasing. We are attaching a list that includes the parcel numbers, legal land descriptions and corresponding stipulations. The list is available on the Internet at: <http://www.mt.blm.gov/oilgas>.

When and where will the sale take place?

When: The competitive sale begins at 9:00 a.m. on Tuesday, September 25, 2001. The sale room opens at 8:00 a.m. for registration and assignment of bidder numbers.

Where: We will hold the sale at the Bureau of Land Management, Montana State Office, 5001 Southgate Drive, Billings, Montana. Parking is available.

Access: The sale room is accessible to persons with disabilities. If you need a sign language interpreter or materials in an alternate format, please tell us no later than one week before the sale. You may contact Elaine Kaufman at (406) 896-5108 or Joan Seibert at (406) 896-5093.

How do I register as a bidder?

Before the sale starts, you must complete a bidder registration form to obtain a bidding number. The forms are available at the registration desk.

What is the sale process?

Starting at 9:00 a.m. on the day of the sale:

- the auctioneer offers the parcels in the order they are shown on the attached list;
- registered bidders make oral bids on a per-acre basis for all acres in a parcel;
- the winning bid is the highest oral bid equal to or exceeding the minimum \$2.00 bid;
- the decision of the auctioneer is final; and
- names of high bidders (lessees) remain confidential until the results list is available.

If a parcel contains fractional acreage, round it up to the next whole acre. For example, a parcel of 100.48 acres requires a minimum bid of \$202 (101 acres x \$2).

If the United States owns less than 100 percent of the oil and gas rights in a parcel, we will issue the lease for the percentage of interest the United States owns. You must calculate your bid and advance rental payment on the gross acreage in the parcel. For example, if the U.S. owns 50 percent of the oil and gas in a 100.48 acre parcel, the minimum bid is \$202 (101 acres x \$2) and the advance rental due is \$151.50 (101 acres x \$1.50).

What conditions apply to the lease sale?

- **Parcel withdrawal or sale cancellation:** We reserve the right to withdraw any or all parcels before the sale begins. If we withdraw parcels or cancel a sale, we will post a notice in the Montana State Public Records and Information Center and announce the withdrawn parcels at the sale.
- **Lease terms:** Leases issue for a primary term of 10 years. They continue beyond the primary term as long as the lease is producing in paying quantities or receiving production from another source. Rental is \$1.50 per acre for the first 5 years (\$2 per acre after that) until production begins. Once a lease is producing, we charge a royalty of 12.5 percent on the production removed or sold from the lease. You will find other lease terms on our standard lease form (Form 3100-11, June 1988 or later edition).
- **Stipulations:** Some parcels are subject to surface use restrictions or conditions affecting how you conduct operations on the lands. The stipulations become part of the lease and replace any inconsistent provisions of the lease form.
- **Bid form:** On the day of the sale, successful bidders must submit a properly completed lease bid form (Form 3000-2, October 1989 or later edition) along with their payment. The bid form is a legally binding offer to accept a lease and all its terms and conditions. When the prospective lessee or an authorized representative signs the bid form, they certify the lessee meets the conditions of 43 CFR 3102.5-2 and complies with 18 U.S.C. 1860, a law that prohibits unlawful combinations, intimidation of bidders, and collusion among bidders. You cannot withdraw your bid.
- **Payment:**
 - **minimum due by 4:00 p.m. on day of sale:**
 - Bonus bid deposit of \$2.00 per acre or fraction thereof;
 - First year's rent of \$1.50 per acre or fraction thereof except for future interest parcels; and
 - \$75 nonrefundable administrative fee
 - **remaining balance due by 4:00 p.m. on October 10, 2001.**
 - If you don't pay in full by this date, you lose the right to the lease and all the money you paid the day of the sale. We may offer the parcel in a future sale.
- **Method of payment:** You can pay by:
 - personal check;
 - certified check;
 - money order; or
 - credit card (Visa, Mastercard, American Express or Discover).

Make checks payable to: **Department of the Interior-BLM.** We do not accept cash. If you previously paid us with a check backed by insufficient funds, we will require a guaranteed payment, such as a certified check.

- **Lease issuance:** After we receive the bid forms and all monies due, we can issue the lease. The lease effective date is the first day of the month following the month we sign it. We can make the lease effective the first day of the month in which we sign it, if you ask us in writing before we sign the lease.

How can I find out the results of this sale?

We post the sale results in the Montana State Office Public Room and the Internet at: <http://www.mt.blm.gov/oilgas>. You can buy a \$5/\$10 printed copy of the results list from the Public Records and Information Center.

How do I file a noncompetitive offer after the sale?

Lands that do not receive a bid and are not subject to a pre-sale offer are available for a two-year period beginning the day after the sale. To file a noncompetitive offer, you must submit:

- three copies of standard lease form (Form 3100-11, June 1988 or later edition) with lands described as specified in our regulations at 43 CFR 3110.5;
- \$75 nonrefundable administrative fee; and
- first year's advance rental (\$1.50 per acre or fraction thereof)

Place offers filed on the day of the sale and the first business day after the sale in the drop box in the Public Records and Information Center. We consider those offers simultaneously filed. When a parcel receives more than one filing by 4 p.m. on the day after the sale, we will hold a drawing to determine the winner. Offers filed after this time period, receive priority according to the date and time of filing in this office.

How do I file a noncompetitive pre-sale offer?

Under our regulations at 43 CFR 3110.1(a), you may file a noncompetitive pre-sale offer for lands that:

- are available; and
- have not been under lease during the previous one-year period; or
- have not been in a competitive lease sale within the previous two-year period.

Once we post a competitive sale notice, you cannot file a pre-sale offer for lands shown on the notice.

To file a pre-sale offer, you must submit:

- three copies of standard lease form (Form 3100-11, June 1988 or later edition) with lands described as specified in our regulations at 43 CFR 3110.5;
- \$75 nonrefundable administrative fee; and
- first year's advance rental (\$1.50 per acre or fraction thereof)

If we don't receive a bid at the sale for the parcel(s) contained in your pre-sale offer, we will issue the lease. You can withdraw your offer prior to the date we sign your lease. Your pre-sale offer is your consent to the terms and conditions of the lease, including any additional stipulations advertised in the Competitive Sale Notice.

Where can I obtain information pertaining to the individual Forest Service Stipulations?

The applicable Forest Service Environmental Impact Studies (EIS) describe stipulations for parcels located within the administrative boundary of the Forest Service units. The Geographic Information System (GIS) maps of the stipulations may be viewed at the following Forest Service offices:

- The individual District Ranger's Office identified in the stipulation listing included with this sale notice,
or
- The individual Forest Supervisor's Office identified in the stipulation listing included with this sale notice,
or
- Forest Service, Region One Office, 200 East Broadway, Missoula, Montana

How do I nominate lands for future sales?

- file a letter with this office describing the lands you want put up for sale;
- file a pre-sale offer

Who should I contact if I have a question?

For more information, contact Tessie Vaughn at (406) 896-5091.

When is the next competitive oil and gas lease sale scheduled in Montana?

We are tentatively holding our next competitive sale on November 27, 2001

Karen L. Johnson, Chief
Fluids Adjudication Section

OFFICIAL POSTING DATE MUST BE ON OR BEFORE AUGUST 10, 2001

The official posting date will be noted on the copy posted in the Information Access Center of the Bureau of Land Management, Billings, Montana.

PUBLIC NOTICE

Any noncompetitive offers received for lands that are listed on the Notice from the time the list is officially posted in the Montana State Office Public Room until the first business day following the completion of the sale will be rejected as unavailable for filing as per 43 CFR 3110.1(a)(ii).

THE FOLLOWING NOTICE WILL BE ATTACHED TO ALL ISSUED LEASES

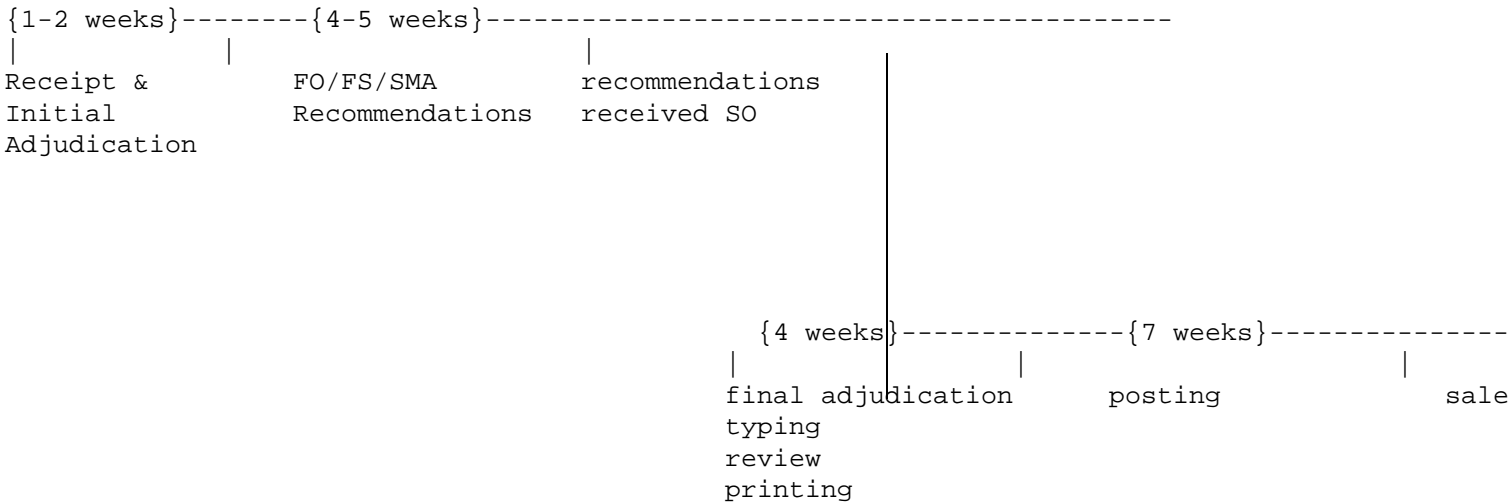
NOTICE TO LESSEE

Provisions of the Mineral Leasing Act (MLA) of 1920, as amended by the Federal Coal Leasing Amendments Act of 1976, affect an entity's qualifications to obtain an oil and gas lease. Section 2(a)(2)(A) of the MLA, 30 U.S.C. 201(a)(2)(A), requires that any entity that holds and has held a Federal coal lease for 10 years beginning on or after August 4, 1976, and who is not producing coal in commercial quantities from each such lease, cannot qualify for the issuance of any other lease granted under the MLA. Compliance by coal lessees with Section 2(a)(2)(A) is explained in 43 CFR 3472.

In accordance with the terms of this oil and gas lease with respect to compliance by the initial lessee with qualifications concerning Federal coal lease holdings, all assignees and transferees are hereby notified that this oil and gas lease is subject to cancellation if: (1) the initial lessee as assignor or as transferor has falsely certified compliance with Section 2(a)(2)(A) or (2) because of a denial or disapproval by a State Office of a pending coal action, i.e., arms-length assignment, relinquishment, or logical mining unit, the initial lessee as assignor or as transferor is no longer in compliance with Section 2(a)(2)(A). The assignee or transferee does not qualify as a bona fide purchaser and, thus, has no rights to bona fide purchaser protection in the event of cancellation of this lease due to noncompliance with Section 2(a)(2)(A).

Information regarding assignor or transferor compliance with Section 2(a)(2)(A) is contained in the lease case file as well as in other Bureau of Land Management records available through the State Office issuing this lease.

**TIMELINE TO PROCESS EXPRESSIONS OF INTEREST (EOI)
OR PRESALE OFFERS**



**Total time required to process EOI/Offer
4-5 months {16-18 weeks}**

SMA-Surface Management Agency
ie: Forest Service, Bureau of Reclamation
FO-BLM Field Office FS-BLM Field Office
SO-Montana State Office

ALL LANDS ARE LISTED IN TOWNSHIP AND RANGE ORDER

MONTANA

09-01-1 PD
T. 35 N, R. 4 E, PMM, MT
sec. 17 NWNE;
Liberty 40.00 AC
Stipulation: Standard

09-01-2 PD
T. 36 N, R. 5 E, PMM, MT
sec. 4 W2SW;
8 N2NE,SENE;
9 NWNW;
Liberty 240.00 AC
Stipulations: Standard, Raptor

09-01-3 PD
T. 37 N, R. 12 E, PMM, MT
sec. 27 NWNW;
28 NE,N2NW,NESE;
Hill 320.00 AC
Stipulation: Standard

09-01-4 PD
T. 23 N, R. 18 E, PMM, MT
sec. 10 NWNE,SENE;
11 SWSW;
Blaine 120.00 AC
Stipulations: Standard,
Lease Notice (2)

09-01-5 PD
T. 23 N, R. 18 E, PMM, MT
sec. 14 SWNE,E2NW,NWNW,NWSE;
15 NENE,NWSW,NWSE;
19 LOT 3;
19 E2W2,SWSE;
Blaine 561.12 AC
Stipulations: Standard,
Lease Notice (2)

09-01-6 PD
T. 23 N, R. 18 E, PMM, MT
sec. 20 S2NE,SWSW,NESE;
21 ALL;
28 NWNW;
Blaine 840.00 AC

Stipulations: Standard,
Lease Notice (2)

09-01-7 ACQ
T. 34 N, R. 18 E, PMM, MT
sec. 7 E2,E2W2;
8 ALL;
23 SWNE,S2NW,SW,NWSE;
Blaine 1440.00 AC
Stipulation: Standard

09-01-8 PD
T. 23 N, R. 19 E, PMM, MT
sec. 34 NW,S2;
Fergus 480.00 AC
Stipulation: Standard

09-01-9 ACQ
T. 36 N, R. 19 E, PMM, MT
sec. 1 S2;
Blaine 320.00 AC
Stipulation: Standard

09-01-10 ACQ
T. 37 N, R. 19 E, PMM, MT
sec. 12 NE;
Blaine 160.00 AC
Stipulation: Standard

EXPLANATION 1/, 2/, 3/, SEE PAGE 6

09-01-11 PD
T. 23 N, R. 20 E, PMM, MT
sec. 23 N2N2;
24 N2NW;
25 SE;
26 E2SE;
27 S2SW;
33 NENW,SWSE;
34 NW,NESW;
35 E2NW,E2SE;
Fergus 1000.00 AC
Stipulation: Standard

09-01-12 ACQ
T. 23 N, R. 20 E, PMM, MT
sec. 25 SW;
34 NENE,S2NE,SE;
35 W2W2;
Fergus 600.00 AC
Stipulation: Standard

09-01-13 ACQ
T. 23 N, R. 20 E, PMM, MT
sec. 35 NE,E2SW,W2SE
Fergus 320.00 AC
Stipulation: Standard
90% U.S. MINERAL INTEREST 1/

09-01-14 ACQ
T. 34 N, R. 20 E, PMM, MT
sec. 5 LOTS 1,2;
5 S2NE,SE;
Blaine 322.45 AC
Stipulation: Standard

09-01-15 PD
T. 22 N, R. 21 E, PMM, MT
sec. 12 SENE,NESW,N2SE;
Fergus 160.00 AC
Stipulation: Standard

09-01-16 ACQ
T. 23 N, R. 21 E, PMM, MT
sec. 32 S2NE,N2SE;
33 SWNW,N2SW,SWSW;
Fergus 320.00 AC
Stipulation: Standard

09-01-17 PD
T. 23 N, R. 21 E, PMM, MT
sec. 32 SENW,S2SE;
Fergus 120.00 AC
Stipulation: Standard

09-01-18 PD
T. 15 N, R. 30 E, PMM, MT
sec. 1 LOT 5;
1 SWSE;
13 W2SW;
24 W2;
Garfield 480.05 AC
Stipulation: CSU-1,4

09-01-19 PD
T. 15 N, R. 31 E, PMM, MT

sec. 4 LOT 5;
5 LOTS 5,6,7,8;
5 S2N2,NESE,S2SE;
6 LOTS A-H OF TRACT 41;
6 LOTS 8,9,10,11;
Garfield 959.25 AC
Stipulations: CSU-4, Timing-3

09-01-20 PD
T. 15 N, R. 31 E, PMM, MT
sec. 7 S2SE;
8 SENW;
9 NWNE,S2NW,N2SW,SESW,
W2SE;
18 LOTS 11,12;
Garfield 503.43 AC
Stipulations: CSU-4, Timing-3

09-01-21 PD
T. 15 N, R. 31 E, PMM, MT
sec. 20 SESW;
30 LOTS 5,6,7,8;
32 LOTS 1,2;
32 NE,N2NW,N2SE;
Garfield 556.38 AC
Stipulations: CSU-4, Timing-3

09-01-22 ACQ
T. 32 N, R. 44 E, PMM, MT
sec. 9 SENE,E2SE;
10 SWNW,W2SW;
14 SWNW,NWSW;
15 N2SE;
Valley 400.00 AC
50% U.S. MINERAL INTEREST 1/

09-01-23 ACQ
T. 25 N, R. 52 E, PMM, MT
sec. 2 LOTS 1,2;
2 S2NE,SE;
Richland 319.93 AC
50% U.S. MINERAL INTEREST 1/

09-01-24 PD
Presale Offer: MTM 90402
T. 15 N, R. 2 W, PMM, MT
sec. 30 LOT 4;
30 SESW,S2SE;
32 S2SW;
34 N2;

Lewis & Clark 556.45 AC
Stipulation: Standard

09-01-25 PD

Presale Offer: MTM 90550

T. 12 N, R. 3 W, PMM, MT
sec. 15 LOTS 1-6 INCL;
15 NENE, W2W2, NESW;
21 ALL;
28 E2, N2NW, SWNW, S2SW;
29 ALL;
32 E2NE, SWNE;

Lewis & Clark 2401.41 AC
Stipulations: Standard, Form 3730-1

09-01-29 PD

T. 8 S, R. 57 E, PMM, MT
sec. 9 NE;
13 SESW;
17 ALL;
34 W2, SE;
35 W2 EXCL 147.73 AC IN
RSVR ROW M014079;

Carter 1492.27 AC
Stipulations: CSU-1, Timing-3

09-01-30 PD

T. 7 S, R. 58 E, PMM, MT
sec. 25 S2;
Carter 320.00 AC

09-01-31 PD

T. 8 S, R. 58 E, PMM, MT
sec. 9 SW;
Carter 160.00 AC
Stipulation: CSU-1

09-01-26 PD

Presale Offer: MTM 90885

T. 2 S, R. 16 E, PMM, MT
sec. 19 LOTS 1, 2, 3, 4;
19 NWNE, S2NE, E2W2, N2SE;
29 W2NE, W2;
30 LOTS 1, 3, 4;
30 NENE, S2NE, SENW, E2SW, SE;

Sweet Grass 1407.85 AC
Stipulations: CSU-1, Timing-1,
Lease Notice

NORTH DAKOTA

09-01-32 ACQ

T. 147 N, R. 71 W, 5TH PM, ND
sec. 9 SE;
18 NE;
Wells 320.00 AC
Stipulation: Standard
50% U.S. MINERAL INTEREST 1/

09-01-27 PD

Presale Offer: MTM 90885

T. 2 S, R. 16 E, PMM, MT
sec. 31 LOTS 1, 2, 3;
31 NE, E2W2, N2SE, SWSE;
32 N2, N2SW, SE;
33 NWNW, S2NW, SW, NWSE, S2SE;
34 N2SW, SWSW, W2SE;

Sweet Grass 1707.44 AC
Stipulations: CSU-1, Lease Notice

09-01-33 ACQ

T. 147 N, R. 72 W, 5TH PM, ND
sec. 12 S2NE, SE;
14 S2;
Wells 560.00 AC
Stipulations: Standard, CSU-5,
NSO-14, Timing-5
50% U.S. MINERAL INTEREST 1/

09-01-28 PD

T. 9 S, R. 51 E, PMM, MT
sec. 25 SWSW;
Powder River 40.00 AC

09-01-34 ACQ

T. 160 N, R. 82 W, 5TH PM, ND
sec. 8 NE;
Bottineau 160.00 AC
Stipulations: Standard, CSU-5
50% U.S. MINERAL INTEREST 1/

09-01-35 ACQ
T. 150 N, R. 90 W, 5TH PM, ND
sec. 12 SW;
McLean 160.00 AC
Stipulation: Standard
50% U.S. MINERAL INTEREST 1/

09-01-36 ACQ
T. 156 N, R. 95 W, 5TH PM, ND
sec. 25 SW;
Williams 160.00 AC
Stipulations: Standard, CSU-5,
NSO-14, Timing-5
50% U.S. MINERAL INTEREST 1/

09-01-37 ACQ
T. 152 N, R. 97 W, 5TH PM, ND
sec. 4 LOTS 3,6,11,12;
4 S2SW;
5 LOT 9;
5 N2SE,SESE;
McKenzie 390.79 AC
Stipulations: R1-FS-2820-13c,18,
NSO-1,2,3, Timing-1
SPLIT ESTATE 3/

09-01-38 PD
T. 152 N, R. 97 W, 5TH PM, ND
sec. 4 NWSW;
McKenzie 40.00 AC
Stipulations: R1-FS-2820-13c,18,
Timing-1

09-01-39 ACQ
T. 152 N, R. 97 W, 5TH PM, ND
sec. 9 SW;
McKenzie 160.00 AC
Stipulations: R1-FS-2820-13c,18,
NSO-1,2, Timing-1

09-01-40 ACQ
T. 149 N, R. 99 W, 5TH PM, ND
sec. 3 S2NW,N2SW;
McKenzie 160.00 AC
Stipulations: Standard, CSU-5
50% U.S. MINERAL INTEREST 1/

09-01-41 PD
T. 144 N, R. 102 W, 5TH PM, ND
sec. 6 BED OF LITTLE MISSOURI
RIVER RIPAR TO LOTS
2,3,6,10,11,14,15,16
DESC BY M&B **2/**;
Billings 50.30 AC

Stipulation: R1-FS-NSO-4
SPLIT ESTATE 3/

09-01-42 ACQ
T. 144 N, R. 102 W, 5TH PM, ND
sec. 9 BED OF LITTLE MISSOURI
RIVER RIPAR TO LOTS
1,2,3,7 DESC BY M&B **2/**;
9 LOTS 1,2,3,7;
9 NESE;
Billings 193.10 AC
Stipulations: R1-FS-2820-13c,18,
NSO-1,2,4,5,6

09-01-43 PD
T. 144 N, R. 102 W, 5TH PM, ND
sec. 16 BED OF LITTLE MISSOURI
RIVER RIPAR TO LOTS 1-8
INCL DESC BY M&B **2/**;
Billings 61.21 AC
Stipulation: R1-FS-NSO-4
SPLIT ESTATE 3/

09-01-44 ACQ
T. 147 N, R. 103 W, 5TH PM, ND
sec. 1 LOTS 1,2,3,4;
1 S2N2,S2;
2 LOTS 1,2,3,4;
2 S2NE,SENE,S2;
McKenzie 1242.08 AC
Stipulations: R1-FS-2820-13c,18,
NSO-1,2,3, Timing-1

09-01-45 PD
T. 147 N, R. 103 W, 5TH PM, ND
sec. 18 LOTS 1,2,3,4;
McKenzie 80.80 AC
Stipulation: R1-FS-NSO-2
SPLIT ESTATE 3/

09-01-46 ACQ
T. 147 N, R. 103 W, 5TH PM, ND
sec. 18 E2NW,NESW;
30 LOTS 3,4;
30 SESW,SWSE;
McKenzie 246.28 AC
Stipulations: R1-FS-NSO-1,2

SPLIT ESTATE 3/

09-01-47 ACQ
T. 147 N, R. 103 W, 5TH PM, ND
sec. 18 SESW;
30 NESW,NWSE,SESE;
McKenzie 160.00 AC
Stipulations: R1-FS-2820-13c,18,
NSO-1,2

09-01-48 ACQ
T. 150 N, R. 103 W, 5TH PM, ND
sec. 7 LOTS 3,4;
7 NWNE,S2NE,E2W2,SE;
8 ALL;
9 W2;
17 NE,S2NW,S2;
McKenzie 2034.52 AC
Stipulations: R1-FS-2820-13c,18,
NSO-1,2

09-01-49 PD
T. 147 N, R. 104 W, 5TH PM, ND
sec. 12 SESE;
McKenzie 40.00 AC
SPLIT ESTATE 3/

09-01-50 ACQ
T. 147 N, R. 104 W, 5TH PM, ND
sec. 28 NW,SE;
McKenzie 320.00 AC
Stipulations: R1-FS-2820-13c,18,
NSO-2

09-01-51 ACQ
T. 149 N, R. 104 W, 5TH PM, ND
sec. 11 SWNE,N2SE;
McKenzie 120.00 AC
Stipulation: R1-FS-NSO-1
SPLIT ESTATE 3/

09-01-52 PD
T. 15 N, R. 2 E, BHM, SD
sec. 6 LOTS 1,2;
6 S2NE,SESW,SE;
7 E2,E2W2;
17 ALL;
Harding 1480.20 AC

09-01-53 PD
T. 15 N, R. 2 E, BHM, SD
sec. 20 ALL;
21 ALL;
Harding 1280.00 AC

SOUTH DAKOTA

STATISTICS

Total Parcels:	53
Total Acreage:	28,087.31
Total Number of Parcels with Presale Offers:	4
Number of Presale Offers Filed:	3
Parcel Numbers:	09-01-24 09-01-25 09-01-26 09-01-27
Total Acres with Presale Offers:	6,073.15

FOOTNOTES

- 1/ These parcels have fractional interests. Rentals are payable on total acres; royalties are payable on fractional interest.
- 2/ The exact metes and bounds description will be made a part of any lease issued for these lands.
- 3/ All or part of the lands are split estate with title to the mineral estate held by the United States. Due to this status, the mineral estate is administered by the Bureau of Land Management (BLM). Permits and approvals will be issued by the authorized BLM Officer. A notice will be attached at lease issuance. This notice will include legal descriptions and information for filing APDs.

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
P. O. Box 36800
Billings, Montana 59107

OIL AND GAS LEASE STIPULATIONS

ESTHETICS--To maintain esthetic values, all surface-disturbing activities, semipermanent and permanent facilities may require special design including location, painting and camouflage to blend with the natural surroundings and meet the intent of the visual quality objectives of the Federal Surface Managing Agency (SMA).

EROSION CONTROL--Surface-disturbing activities may be prohibited during muddy and/or wet soil periods.

CONTROLLED OR LIMITED SURFACE USE STIPULATION --This stipulation may be modified, consistent with land use documents, when specifically approved in writing by the Bureau of Land Management (BLM) with concurrence of the SMA. Distances and/or time periods may be made less restrictive depending on the actual onground conditions. The prospective lessee should contact the SMA for more specific locations and information regarding the restrictive nature of this stipulation.

The lessee/operator is given notice that the lands within this lease may include special areas and that such areas may contain special values, may be needed for special purposes, or may require special attention to prevent damage to surface and/or other resources. Possible special areas are identified below. Any surface use or occupancy within such special areas will be strictly controlled, or **if absolutely necessary**, excluded. Use or occupancy will be restricted only when the BLM and/or the SMA demonstrates the restriction necessary for the protection of such special areas and existing or planned uses. Appropriate modifications to imposed restrictions will be made for the maintenance and operations of producing oil and gas wells.

After the SMA has been advised of specific proposed surface use or occupancy on the leased lands, and on request of the lessee/operator, the Agency will furnish further data on any special areas which may include:

100 feet from the edge of the rights-of-way from highways, designated county roads and appropriate federally-owned or controlled roads and recreation trails.

500 feet, or when necessary, within the 25-year flood plain from reservoirs, lakes, and ponds and intermittent, ephemeral or small perennial streams: 1,000 feet, or when necessary, within the 100-year flood plain from larger perennial streams, rivers, and domestic water supplies.

500 feet from grouse strutting grounds. Special care to avoid nesting areas associated with strutting grounds will be necessary during the period from March 1, to June 30. One-fourth mile from identified essential habitat of state and federal sensitive species. Crucial wildlife winter ranges during the period from December 1 to May 15, and in elk calving areas during the period from May 1 to June 30.

300 feet from occupied buildings, developed recreational areas, undeveloped recreational areas receiving concentrated public use and sites eligible for or designated as National Register sites.

Seasonal road closures, roads for special uses, specified roads during heavy traffic periods and on areas having restrictive off-road vehicle designations.

On slopes over 30 percent or 20 percent on extremely erodable or slumping soils.

Standard(September 1998)

See Notice on Back

NOTICE

APPLICATIONS FOR PERMIT TO DRILL (APDs)--The BLM district or resource area offices are responsible for the receipt, processing, and approval of APDs. The APDs are to be submitted by oil and gas operators pursuant to the requirements found in Onshore Oil and Gas Order No. 1 -- Approval of Operations on Onshore Federal and Indian Oil and Gas Leases (Circular No. 2538). Additional requirements for the conduct of oil and gas operations on federal oil and gas leases can be found in Code of Federal Regulations Title 43, Part 3160. Copies of Onshore Oil and Gas Order No. 1, and pertinent regulations, can be obtained from the BLM district offices in which the operations are proposed. Early coordination with these offices on proposals is encouraged.

CULTURAL AND PALEONTOLOGICAL RESOURCES--The SMA is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the SMA, shall:

1. Contact the appropriate SMA to determine if a site-specific cultural resource inventory is required. If an inventory is required, then:
2. Engage the services of a cultural resource specialist acceptable to the SMA to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the SMA for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
3. Implement mitigation measures required by the SMA. Mitigation may include the relocation of proposed lease-related activities or other protective measures such as testing salvage and recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the SMA, surface occupancy on that area must be prohibited.

The lessee or operator shall immediately bring to the attention of the SMA any cultural or paleontological resources discovered as a result of approved operations under this lease, and not disturb such discoveries until directed to proceed by the SMA.

ENDANGERED OR THREATENED SPECIES--The SMA is responsible for assuring that the leased land is examined prior to undertaking any surface-disturbing activities to determine effects upon any plant or animal species, listed or proposed for listing as endangered or threatened, or their habitats. The findings of this examination may result in some restrictions to the operator's plans or even disallow use and occupancy that would be in violation of the Endangered Species Act of 1973 by detrimentally affecting endangered or threatened species or their habitats.

The lessee/operator may, unless notified by the authorized officer of the SMA that the examination is not necessary, conduct the examination on the leased lands at his discretion and cost. This examination must be done by or under the supervision of a qualified resources specialist approved by the SMA. An acceptable report must be provided to the SMA identifying the anticipated effects of a proposed action on endangered or threatened species or their habitats.

RAPTOR STIPULATION FOR THE KEVIN RIM AND SWEET GRASS HILLS
AREAS OF CRITICAL ENVIRONMENTAL CONCERN

As directed by the West HiLine Resource Management Plan/Environmental Impact Statement, Final, 1988, the Rocky Mountain Front Raptor Guidelines will be followed for all activities associated with this lease. At the time of APD approval, any portion or all of the site specific stipulations will be developed from the guidelines. Exceptions to stipulations in any particular year may be specifically approved in writing by the authorized officer.

On the lands described below:

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-2	T 36 N, R 5 E, PMM sec. 4: W2SW 8: N2NE, SENE 9: NWNW

Following are general recommended nest buffer zones related to various human activities. These recommended zones are not inclusive; details in terrain, vegetation, type and duration and familiarity of disturbance, specific temperament of individual birds, phase of nesting cycle, etc., all enter into determining the actual needed buffer zone at a given nest site. Preclusion of human activity at a given nest territory should be tempered with as many variables as possible and on a site specific basis.

<u>Activity</u>	<u>Recommended buffer zones</u>
Off-road vehicle use	1/4 mi - 1/2 mi
Camping	1/4 mi - 1/2 mi
Hiking	1/4 mi - 1/2 mi
Road Construction	1/2 mi - 1 mi
Building/construction	1/2 mi - 3 mi
Mining/heavy equip. or blasting	1 mi - 3 mi
Aircraft flights (low altitude)	1/4 mi - 1 mi

Approximate nesting dates for some raptors that occur in the West HiLine Area:

<u>Species</u>	<u>Approximate Dates of Nesting Season</u>
Turkey Vulture	April 15 - August 1
*Golden Eagle	February 1 - July 30
**Bald Eagle	February 15 - August 15
Northern Harrier	April 1 - July 15
Sharp-Shinned Hawk	April 15 - August 15
*Coopers Hawk	April 15 - August 15
*Northern Goshawk	April 15 - August 15
Red-tailed Hawk	April 15 - August 15
Swainson's Hawk	May 1 - September 15
*Ferruginous Hawk	April 1 - July 30
American Kestrel	May 1 - August 15
*Merlin	April 15 - August 15

Species

Approximate Dates
of Nesting Season

<u>*Prairie Falcon</u>	March 15 - July 30
**Peregrine Falcon	April 15 - August 1
Short-eared Owl	March 1 - August 1
Long-eared Owl	March 1 - August 1
Great-horned Owl	January 1 - August 1
Great gray Owl	March 1 - August 15
Eastern Screech Owl	March 1 - July 1
Northern pygmy Owl	March 1 - July 15
*Northern Saw-whet Owl	March 1 - August 30
*Burrowing Owl	March 15 - July 15

*Species of special interest or concern

**Federally Listed Species

Species most common to Kevin Rim and Sweet Grass Hills are underlined

Raptor (Unnumbered)

09-01-2

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints.

Prior to surface disturbance on slopes over 30 percent, an engineering/reclamation plan must be approved by the authorized officer. Such plan must demonstrate how the following will be accomplished:

- Site productivity will be restored.
- Surface runoff will be adequately controlled.
- Off-site areas will be protected from accelerated erosion, such as rilling, gullying, piping, and mass wasting.
- Water quality and quantity will be in conformance with state and federal water quality laws.
- Surface-disturbing activities will not be conducted during extended wet periods.
- Construction will not be allowed when soils are frozen.

On the lands described below:

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-18	T 15 N, R 30 E, PMM sec. 1: Lot 5, SWSE 13: W2SW 24: W2
09-01-26	T 2 S, R 16 E, PMM sec. 19: Lots 1,4, NWNE,SENE,SESW,N2SE 29: SWNE,S2NW,N2SW 30: Lots 1,3, E2NE,SENW,N2SE
09-01-27	T 2 S, R 16 E, PMM sec. 31: Lot 1 31: NENE,S2NE,SENW,SESW,N2SE,SWSE 32: N2,N2SW,SE 33: NWNW,S2NW,W2SW 34: N2SW,W2SE
09-01-29	T 8 S, R 57 E, PMM sec. 9: NE 13: SESW 17: W2 34: W2,SE 35: W2 excl. 147.73 ac. in Rsvr R/W MTM 014079
09-01-31	T 8 S, R 58 E, PMM sec. 9: SW

CSU-1
1 of 2

For the purpose of:

To maintain soil productivity, provide necessary protection to prevent excessive soil erosion on steep slopes, and to avoid areas subject to slope failure, mass wasting, piping, or having excessive reclamation problems.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

CSU-1
2 of 2

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints.

All surface-disturbing activities, semi-permanent and permanent facilities in VRM Class II, areas may require special design, including location, painting, and camouflage, to blend with the natural surroundings and meet the visual quality objectives for the area.

On the lands described below:

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-18	T 15 N, R 30 E, PMM sec. 1: Lot 5, SWSE 13: W2SW 24: W2
09-01-19	T 15 N, R 31 E, PMM sec. 4: Lot 5 5: Lots 5,6,7,8 6: Lots A-H of Tract 41 Lots 8,9,10,11
09-01-20	T 15 N, R 31 E, PMM sec. 7: S2SE 8: SENW 18: Lots 11,12
09-01-21	T 15 N, R 31 E, PMM sec. 30: Lots 5,6,7,8 32: Lots 1,2 32: NE,N2NW,N2SE

For the purpose of:

To control the visual impacts of activities and facilities within acceptable levels.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

CSU-4

CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use would be subject to the following special operating constraint:

No disturbance of riparian areas of wetlands, intermittent, ephemeral, or perennial streams and rivers would be allowed except for essential road and utility crossings.

On the lands described below:

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-33	T 147 N, R 72 W, 5 TH PM sec. 14: W2W2SW
09-01-34	T 160 N, R 82 W, 5 TH PM sec. 8: NE
09-01-36	T 156 N, R 95 W, 5 TH PM sec. 25: SWSW
09-01-40	T 149 N, R 99 W, 5 TH PM sec. 3: S2NW,N2SW

For the purpose of:

Protection of riparian habitat (NDRMP - p. 20).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

CSU-5

NO SURFACE OCCUPANCY

No surface occupancy (NSO) or use would be allowed within 200 feet of wetlands, lakes and ponds.

On the lands described below:

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-33	T 147 N, R 72 W, 5 TH PM sec. 14: NESE,NENWSE,NESESE
09-01-36	T 156 N, R 95 W, 5 TH PM sec. 25: SWSW

For the Purpose of:

Protection of wetlands 9NDRMP - p. 20)

Any changes to this stipulation will be made in accordance with the land use plan and provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

NSO-14

TIMING LIMITATION STIPULATION

Surface use is prohibited from December 1 to March 31 within crucial winter range for wildlife. This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-26	T 2 S, R 16 E, PMM sec. 19: NWNE, S2NE, N2SE

For the purpose of (reasons):

To protect crucial white-tailed deer, mule deer, elk, antelope, moose, bighorn sheep, and sage grouse winter range from disturbance during the winter use season, and to facilitate long-term maintenance of wildlife populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

TIMING-1

TIMING LIMITATION STIPULATION

Surface use is prohibited from March 1 to June 15 in grouse nesting habitat within 2 miles of a lek. This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-19	T 15 N, R 31 E, PMM sec. 4: Lot 5 5: Lots 5,6,7,8 5: S2N2,NESE,S2SE
09-01-20	T 15 N, R 31 E, PMM sec. 7: S2SE 8: SENW 9: NWNE,S2NW,N2SW,SESW,W2SE 18: Lots 11,12
09-01-21	T 15 N, R 31 E, PMM sec. 20: SESW
09-01-29	T 8 S, R 57 E, PMM sec. 9: N2NE

For the purpose of (reasons):

To protect sharptail and sage grouse nesting habitat from disturbance during spring and early summer in order to maximize annual production of young and to protect nesting activities adjacent to nesting sites for the long-term maintenance of grouse populations in the area.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

TIMING-3

TIMING LIMITATION STIPULATION

Surface occupancy or use would be subject to the following special operating constraints:

No seismic exploration would be allowed within 50 feet of waterfowl nesting habitat during the following time period(s): between March 1 and July 1. This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-33	T 147 N, R 72 W, 5 TH PM sec. 14: NESE,NENWSE,NESESE
09-01-36	T 156 N, R 95 W, 5 TH PM sec. 25: SWSW

For the purpose of:

Protection of nesting waterfowl 9NDRMP - p.20)

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Timing-5

NOTICE FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
DEPARTMENT OF AGRICULTURE

The permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of Interior in the permit. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of an exploration plan by the Secretary of the Interior, (2) uses of all existing improvements, such as forest development roads, within and outside the area permitted by the Secretary of the Interior, and (3) use and occupancy of the NFS not authorized by an exploration plan approved by the Secretary of the Interior.

All matters related to this STIPULATION are to be addressed to:

District Ranger, McKenzie Ranger District
Dakota Prairie Grasslands
HC02, BOX 8
Watford City, ND 58854

who is the authorized representative of the Secretary of Agriculture.

CULTURAL AND PALEONTOLOGICAL RESOURCES - The FS is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the FS, shall:

1. Contact the FS to determine if a site-specific cultural resource inventory is required. If a survey is required, then:
2. Engage the services of a cultural resource specialist acceptable to the FS to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the FS for review and approval at the time a surface-disturbing plan of operation is submitted.
3. Implement mitigation measures required by the FS and the BLM to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures. All costs of the inventory and mitigation will be borne by the lessee or operator, and all data and materials salvaged will remain under the jurisdiction of the U.S. Government as appropriate.

The lessee or operator shall immediately bring to the attention of the FS and the BLM any cultural or paleontological resources or any other objects of scientific interest discovered as a result of surface operations under this lease, and shall leave such discoveries intact until directed to proceed by the FS and the BLM.

FLOODPLAIN AND WETLANDS - The lessee is hereby notified that this lease may contain land within a riparian ecosystem. All activities within this area may be highly restricted in order to comply with Executive Order 11988 - *Floodplain Management* and Executive Order 11990 - *Protection of Wetlands*, in order to preserve and restore or enhance the natural and beneficial values served by floodplains and wetlands.

Riparian ecosystem, will be managed by the Forest Service to protect from conflicting uses in order to provide healthy, self-perpetuating plant and water communities that will have optimum diversity and density of understory and overstory vegetation. Occupancy and use of lands within riparian ecosystems proposed in a proposed Surface Use Plan of Operations will be considered in an environmental analysis done to identify the mitigation measures necessary to protect the riparian area. Special measures such as road design, well pad size and location or directional drilling, may be made part of the permit authorizing the activity.

NOTICE FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
DEPARTMENT OF AGRICULTURE

The permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of Interior in the permit. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of an exploration plan by the Secretary of the Interior, (2) uses of all existing improvements, such as forest development roads, within and outside the area permitted by the Secretary of the Interior, and (3) use and occupancy of the NFS not authorized by an exploration plan approved by the Secretary of the Interior.

All matters related to this STIPULATION are to be addressed to:

District Ranger, Medora Ranger District
Dakota Prairie Grasslands
161 21st Street West
Dickinson, ND 58601-3135

who is the authorized representative of the Secretary of Agriculture.

CULTURAL AND PALEONTOLOGICAL RESOURCES - The FS is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the FS, shall:

1. Contact the FS to determine if a site-specific cultural resource inventory is required. If a survey is required, then:
2. Engage the services of a cultural resource specialist acceptable to the FS to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the FS for review and approval at the time a surface-disturbing plan of operation is submitted.
3. Implement mitigation measures required by the FS and the BLM to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures. All costs of the inventory and mitigation will be borne by the lessee or operator, and all data and materials salvaged will remain under the jurisdiction of the U.S. Government as appropriate.

The lessee or operator shall immediately bring to the attention of the FS and the BLM any cultural or paleontological resources or any other objects of scientific interest discovered as a result of surface operations under this lease, and shall leave such discoveries intact until directed to proceed by the FS and the BLM.

FLOODPLAIN AND WETLANDS - The lessee is hereby notified that this lease may contain land within a riparian ecosystem. All activities within this area may be highly restricted in order to comply with Executive Order 11988 - *Floodplain Management* and Executive Order 11990 - *Protection of Wetlands*, in order to preserve and restore or enhance the natural and beneficial values served by floodplains and wetlands.

Riparian ecosystem, will be managed by the Forest Service to protect from conflicting uses in order to provide healthy, self-perpetuating plant and water communities that will have optimum diversity and density of understory and overstory vegetation. Occupancy and use of lands within riparian ecosystems proposed in a proposed Surface Use Plan of Operations will be considered in an environmental analysis done to identify the mitigation measures necessary to protect the riparian area. Special measures such as road design, well pad size and location or directional drilling, may be made part of the permit authorizing the activity.

Serial No.

USDA-FOREST SERVICE

**THREATENED, ENDANGERED, AND SENSITIVE
PLANT OR ANIMAL SPECIES LEASE NOTICE**

The lease area may contain threatened and endangered species or habitat necessary for the continued existence of threatened, proposed and endangered species which are protected by the 1973 Endangered Species Act, as amended (50 CFR 402). The lease area may also contain habitat or species, listed as sensitive, which may require protective measures to prevent them from being listed as threatened or endangered or result in a loss of viability or biological diversity (36 CFR 219.19 or 219.26). A biological evaluation of the leased lands may be required prior to surface-disturbance to determine if threatened, endangered, or sensitive plant or animal species or their habitat are present and to identify needed mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator shall:

1. Contact the Forest Service to determine if a biological evaluation is required (FSM 2670.31-32). The Forest Service is responsible for ensuring that the leased land is examined through a biological evaluation, prior to undertaking any surface-disturbing activities, to determine effects upon any plant or animal species listed or proposed for listing as threatened, endangered, or sensitive.
2. The lessee or operator may choose to conduct the evaluation on the leased lands at their discretion and cost. This biological evaluation must be done by or under the supervision of a qualified biologist/botanist approved by the Forest Service. An acceptable report must be provided to the Forest Service identifying the anticipated effects of a proposed action on threatened, endangered, or sensitive species. An acceptable biological evaluation is to be submitted to the Forest Service for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
3. Implement mitigation measures required by the Forest Service. Mitigation may include the relocation of proposed lease-related activities or other protective measures. The findings of the biological evaluation may result in some restrictions to the operator's plans or even disallow use and occupancy to comply with the 1973 Endangered Species Act (as amended), threatened and endangered regulations and Forest Service regulations.

If threatened, endangered, or sensitive plant or animal species are discovered in the area after any required biological evaluation has concluded, an evaluation will be conducted to assess the effect of ongoing and proposed activities. Based on the conclusion drawn in the evaluation, additional restrictions or prohibitions may be imposed to protect the species or their habitats.

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-37	T 152 N, R 97 W, 5 TH PM sec. 4: Portions of S2SW
09-01-39	T 152 N, R 97 W, 5 TH PM sec. 9: Portions of SW
09-01-42	T 144 N, R 102 W, 5 TH PM sec. 9: Lot 7 9: Portions of lots 1,2,3, NESE
09-01-44	T 147 N, R 103 W, 5 TH PM sec. 2: Portions of Lots 1,2, SWNE,SW,NWSE
09-01-46	T 147 N, R 103 W, 5 TH PM sec. 30: Portions of SWSE
09-01-47	T 147 N, R 103 W 5 TH PM sec. 18: Portions of SESW 30: Portions of NWSE,SESE
09-01-48	T 150 N, R 103 W, 5 TH PM sec. 7: Portions of Lots 3,4, W2NE,SENE,E2SW 8: Portions of All 9: Portions of W2 17: Portions of NE,S2NW,SW, NWSE
09-01-51	T 149 N, R 104 W, 5 TH PM sec. 11: Portions of NWSE

For the purpose of:

Avoidance of steep slopes exceeding 40 percent to protect fragile soils and avoid mass slope failure (Management Area B, Custer Forest Plan, page 46).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

R1-FS-NSO-1

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-37	T 152 N, R 97 W 5 TH PM sec. 5: Portions of SESE
09-01-39	T 152 N, R 97 W 5 th PM sec. 9: Portions of W2SW
09-01-42	T 144 N, R 102 W, 5 TH PM sec. 9: Portions of Lots 1,7, NESE
09-01-44	T 144 N, R 103 W 5 TH PM sec. 1: Portions of Lot 4, S2NW, NWSW 2: Portions of Lots 1,2, SWNE,N2SW,SWSW,NESE
09-01-45	T 147 N, R 103 W, 5 TH PM sec. 18: Portions of Lots 1,3
09-01-46	T 147 N, R 103 W, 5 TH PM sec. 18: Portions of NENW,NESW 30: Portions of SWSE
09-01-47	T 147 N, R 103 W, 5 TH PM sec. 18: Portions of SESW 30: Portions of SESE
09-01-48	T 150 N, R 103 W, 5 TH PM sec. 7: Portions of Lots 3,4, E2SW,W2SE 8: Portions of SWNE,N2S2,SESE 9: Portions of SWSW 17: Portions of NENE,S2NE, SOWNW,SW,NWSE
09-01-50	T 147 N, R 104 W, 5 TH PM sec. 28: Portions of E2NW,SOWNW, W2SE

R1-FS-NSO-2
1 of 2

For the purpose of:

To meet the goals and management standards for woody draws (Management Area N, Custer Forest Plan, pages 83-84, as amended); to provide healthy, self-perpetuating plant communities that will have optimum diversity and density of understory and overstory vegetation.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

R1-FS-NSO-2
2 of 2

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-37	T 152 N, R 97 W 5 th PM sec. 4: Portions of S2SW
09-01-44	T 147 N, R 103 W, 5 TH PM sec. 2: Portions of S2SW,SWSE

For the purpose of:

To maintain the 1/4 mile no disturbance zone around Golden Eagle nests (Custer Forest Plan, page 19).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

R1-FS-NSO-3

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-41	T 144 N, R 102 W, 5 TH PM sec. 6: The bed of the Little Missouri River riparian to Lots 2,3,6,10,11,14,15, 16 described by metes and bounds.
09-01-42	T 144 N, R 102 W, 5 TH PM sec. 9: The bed of the Little Missouri River riparian to lots 1,2,3,7 described by metes and bounds.
09-01-43	T 144 N, R 102 W, 5 TH PM sec. 16: The bed of the Little Missouri River riparian to lots 1-8 described by metes and bounds.

For the purpose of:

To meet the goals and management standards for riparian areas (Management Area M, Custer Forest Plan, pages 80-82) to provide healthy, self-perpetuating plant and water communities that will have optimum diversity and density of understory and overstory vegetation.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

R1-FS-NSO-4

NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-42	T 144 N, R 102 W, 5 TH PM sec. 9: Lots 1,2,3,7, NESE

For the purpose of:

To manage key wildlife habitat areas for the optimum quality and diversity that the land can offer (Management Area C, Custer Forest Plan, page 49).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

R1-FS-NSO-5

CONTROLLED SURFACE USE STIPULATION

No surface occupancy or use is subject to the following special operating constraints:

Operational constraints may include utilizing topographic/vegetative screening, matching color tones of facilities with surrounding topographic features, orienting the well pad/facilities to minimize size and movement, and using only standard size production facilities.

On the lands described below:

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-42	T 144 N, R 102 W, 5 TH PM sec. 9: Portions of Lots 1,2,3,7

For the purpose of:

To meet the Visual Quality Objective (VQO) of retention for the middle and background viewsheds of the Little Missouri River (Forest Plan p. 47 and 55 and Southern Little Missouri and Cedar River National Grasslands EIS, Appendix D)).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

R1-FS-CSU-6

TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

February 15 to May 1 (inactive nests)

February 15 to July 15 (active nests)

On the lands described below:

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-37	T 152 N, R 97 W, 5 th PM sec. 4: Portions of S2SW 5: Portions of SESE
09-01-38	T 152 N, R 97 W, 5 th PM sec. 4: Portions of NWSW
09-01-39	T 152 N, R 97 W, 5 TH PM sec. 9: Portions of N2SW
09-01-44	T 147 N, R 103 W, 5 TH PM sec. 2: Portions of SW,NWSE,S2SE

For the purpose of:

Minimizing disturbance of the lands within 1/2 mile of the Golden Eagle nests during the critical nesting season (Custer Forest Plan, pages 19 and 46).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

R1-FS-Timing 1

LEASE NOTICE

Lambing/fawning areas are considered special areas under the terms of the **Controlled Or Limited Surface Use Stipulation** on the attached Standard stipulation. As such, they are subject to the provisions of that stipulation. The same timing limitations applied to elk calving grounds will apply to lambing/fawning grounds.

On the lands described beelow:

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-4	T 23 N, R 18 E, PMM sec. 10: NWNE, SENE 11: SWSW
09-01-5	T 23 N, R 18 E, PMM sec. 14: SWNE, E2NW, NWNW, NWSE 15: NENE, NWSW, NWSE 19: Lot 3 19: E2W2, SWSE
09-01-6	T 23 N, R 18 E, PMM sec. 20: S2NE, SWSW, NESE 21: All 28: NWNW

Lease Notice (Unnumbered)

LEASE NOTICE

Potential drill locations, pipeline routes and access roads may require physical closures to limit traffic disturbance of big game populations, and complete rehabilitation of vegetation. This would be determined upon field visits by BLM resource staff and would be based on current access, proposed access and existing vegetative cover.

On the lands described beelow:

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-4	T 23 N, R 18 E, PMM sec. 10: NENE,SENE 11: SWSW
09-01-5	T 23 N, R 18 E, PMM sec. 14: SWNE,E2NW,NWNW,NWSE 15: NENE,NWSW,NWSE 19: Lot 3 19: E2W2,SWSE
09-01-6	T 23 N, R 18 E, PMM sec. 20: S2NE,SWSW,NESE 21: All 28: NWNW

Lease Notice (Unnumbered)

LEASE NOTICE

Although a visual resource management (VRM) rating has not been done, these areas have VRM concerns.

<u>Parcel No.</u>	<u>Description of Lands</u>
09-01-26	T 2 S, R 16 E, PMM Sec. 19: Lots 1,2,3,4 19: NWNE,S2NE,E2W2,N2SE 29: W2NE,W2 30: Lots 1,3,4 30: NENE,S2NE,SE,SE,SE
09-01-27	T 2 S, R 16 E, PMM sec. 31: Lots 1-3 31: NE,E2W2,N2SE,SWSE 32: N2,N2SW,SE 33: NWNW,S2NW,SW,NWSE,S2SE

All surface disturbing activities and facilities (semi-permanent and permanent) may require special design. This would include location, painting, and camouflage to blend with the natural surroundings.

Lease Notice (Unnumbered)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

POWERSITE STIPULATION

The lessee or permittee hereby agrees:

(a) If any of the land covered by this lease or permit was, on the date the lease or permit application or offer was filed, within a powersite classification, powersite reserve, waterpower designation, or project on which an application for a license or preliminary permit is pending before the Federal Energy Regulatory Commission or on which an effective license or preliminary permit had been issued by the Federal Energy Regulatory Commission under the Federal Power Act, or on which an authorized power project (other than one owned or operated by the Federal Government) had been constructed, the United States, its permittees or licensees shall have the prior right to use such land for purposes of power development so applied for, licensed, permitted, or authorized and no compensation shall accrue to the mineral lessee or permittee for loss of prospective profits or for damages to improvements or workings, or for any additional expense caused the mineral lessee as a result of the taking of said land for power development purposes. It is agreed, however, that where the mineral lessee or permittee can make adjustments of his improvements to avoid undue interference with power development, he will be per-

mitted to do so at his own expense. Furthermore, occupancy and use of the land by the mineral lessee or permittee shall be subject to such reasonable conditions with respect to the use of the land as may be prescribed by the Federal Energy Regulatory Commission for the protection of any improvements and workings constructed thereon for power development.

(b) If any of the land covered by this lease or permit is on the date of the lease or permit within a powersite classification, powersite reserve, or waterpower designation which is not governed by the preceding paragraph, the lease or permit is subject to the express condition that operations under it shall be so conducted as not to interfere with the administration and use of the land for powersite purposes to a greater extent than may be determined by the Secretary of the Interior to be necessary for the most beneficial use of the land. In any case, it is agreed that where the mineral lessee or permittee can make adjustments to avoid undue interference with power development, he will be permitted to do so at his own expense.